



## Legislation Text

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**File #:** 19-037, **Version:** 1

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*Report Prepared by: Stephani Davis, Development Services Tech II; Planning Department*

**SUBJECT:** Approval of Street Closure Request 18-24 by Velo Promo, LLC for the 30th Original Merced Criterium Bicycle Race on February 24, 2019 from 6:00 a.m. to 5:00 p.m. for the Area of West 18<sup>th</sup> Street to West 21<sup>st</sup> Street Between M and N Streets

### REPORT IN BRIEF

Considers approving a request for use of City streets for the purpose of a bicycle race on February 24, 2019 from 6:00 a.m. to 5:00 p.m. The road closure area is from West 18th Street between M and N Streets, West 19th Street between M and N Streets, West 20th Street between M and N Streets, and West 21st Street between M and N Streets (including the Courthouse loop).

### RECOMMENDATION

**City Council** - Adopt a motion approving the request by Velo Promo, LLC, to close West 18<sup>th</sup> Street between M and N Streets, West 19<sup>th</sup> Street between M and N Streets, West 20<sup>th</sup> Street between M and N Streets, and West 21<sup>st</sup> Street between M and N Streets (including Courthouse loop) on Sunday, February 24, 2019, from 6:00 a.m. to 5:00 p.m., subject to the conditions listed in the body of this report.

### ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny the request completely; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue item to a future Council meeting (date and time to be specified in City Council motion).

### AUTHORITY

City of Merced Charter Section 200; California Vehicle Code (CVC) Sections 21100(a) and 21101(e), the latter as follows:

“21101. Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.”

### CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

### Event Background

This race was first held in 1987 as part of a race series for the U.S. National Team, then based in the Fresno region, and has remained under the direction of the same race promoter, Velo Promo (Attachment 3). It was held in Merced, every year, from 1987 to 2016. No race was held in 2017 or 2018, but the event is back this year.

Sunday's racing will be criterium-style, a popular type of road racing that consists of a series of multi-lap races around downtown streets, usually in loops of less than a mile in length. Separate races for different age and ability categories will be held throughout the day, rain or shine.

The Merced Criterium follows the day after Velo Promo's annual Snelling Road Race, a circuit road race event that uses Snelling's Henderson Park and rural Merced County roads near it (under separate permit with the County). These two races have established an important place in our area's economy, bringing vital tax dollars to the Merced area, as participants often patronize Merced's hotels and restaurants. They are popular and well-attended by professional and amateur racing cyclists in the Northern California/Nevada Racing Association and, being an early-spring race weekend, are used to kick off the ensuing race season.

### Street Closure Details

The course for the day's racing activities is a clockwise loop of streets as follows: M Street (start/finish), West 18<sup>th</sup> Street, N Street, behind the Merced County Courthouse Museum ("Courthouse Loop"), West 21<sup>st</sup> Street, and back to M Street.

Street sections within the race loop will be unavailable to through traffic on race day, except for emergency vehicles. The race sponsor will obtain separate approval from Merced County to use the areas through and in Courthouse Park that are County-owned property.

Initial set-up for the event will begin at approximately 6:00 a.m. on Sunday, February 24, 2019, with full street closure by 7:00 a.m. Racing will begin at 8:00 a.m. and end by approximately 3:30 p.m., with all streets reopening thereafter (by 5:00 p.m.).

The announcer/referee stand will be located on the west side of the intersection of W. 19<sup>th</sup> and N Streets, with the rider registration and first aid station located nearby. Portable restrooms will be provided by the promotor for the racers, and will likely be placed along the curb line on W. 19<sup>th</sup> Street, on the east side of N Street (this street will remain accessible to vehicles). Additionally, there will be a designated access point at the intersection of W. 18<sup>th</sup> and M Streets for emergency vehicle access, although the course can be accessed from other streets (Condition #8).

The applicant has indicated that there are no additional activities planned with this event, such as food, vendor, or game booths. If these are added, each vendor shall be properly licensed and permitted with the appropriate agencies, and special events insurance will be required of the applicant. The race itself is insured by USA Cycling, Inc., the governing body for sanctioned cycling events in the United States.

At least seventy-two hours (three days) prior to the street closures, the event organizers are required to notify nearby businesses and residences within one half-mile of the affected streets (Condition #5). To ensure this is done, event organizers are required to provide staff with confirmation that this notification was given, and staff has prepared a standard form that the event sponsor shall complete, photocopy, and distribute to businesses and residences within the stated area (Attachment 4). A signed copy of this form shall also be given to Planning Department staff as soon as those businesses and residences are notified for confirmation.

### Conditions of Approval

The event and street closure will be subject to the following conditions, if approved:

1. By applying for the street closure request, the Permittee shall agree to indemnify, protect, defend (with counsel selected by the City), save, and hold the City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by the City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.
2. Prior to engaging in the event, Event Sponsor shall provide the City with a Certificate of Liability Insurance evidencing coverage in an amount of no less than \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000. Said policy shall stipulate that this insurance will operate as primary insurance and that no other insurance will be called on to cover a loss covered thereunder. Additional insured endorsements evidencing this coverage, naming the City of Merced, its Officers, Employees, and Agents as additional insureds, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City. Certificates of Insurance shall also be provided for Automobile insurances of all automobiles used for the event. If the Event Sponsor has any employee(s), full workers' compensation insurance shall be provided with a limit of at least \$100,000 for any one person as required by law.
3. Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.
4. Event sponsor shall be responsible for placing and removing all traffic barricades and posting of parking restrictions where street is closed. "No Parking" signs shall be posted at least

twenty-four (24) hours prior to towing of vehicle(s) per California Vehicle Code Section 22651 (m) (Attachment 5).

5. Event sponsor shall contact all businesses and residences affected by the street closures, advising them of the hours, conditions, and reason thereof within one half-mile of the closure area at least seventy-two (72) hours prior to the event. Event Sponsor shall provide the City with confirmation that the proper notification was given (Attachment 4).
6. Event sponsor shall be responsible for removing all equipment and disposing of any trash and debris within and around the closure area that is generated from the event prior to the expiration of the closure permit.
7. The Applicant shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 385-6800.
8. Event sponsor shall provide emergency vehicle access into and through the interior of the course loop at all times via moveable or drive-over barricades at the specific intersection of W. 18<sup>th</sup> and M Streets. All interior streets shall remain free of any structures or barricades that would prevent free passage of emergency vehicles around the course. Fire hydrant access shall not be blocked at any time whatsoever.
9. Event sponsor shall provide adequate supervision throughout the course and surrounding intersections to ensure the safety of the participants and the public gathered, as required by the Police Department.
10. The Permittee shall be responsible for ensuring any and all food booth and other vendors shall obtain business licenses with the City of Merced (if not currently licensed) and/or Merced County Department of Health permits (for food service) prior to the event. Addition of these activities shall require Special Events Insurance be obtained (see City of Merced Insurance Department).
11. No alcoholic beverages may be served or sold at this event.

All other provisions addressed in Ordinance #1941 Chapter 12.42 (Temporary Street Closures) shall apply.

## **IMPACT ON CITY RESOURCES**

For many years, this race ran safely and successfully without Police support, due to experienced volunteers and well-placed barricades and warning signs, and expects to be able to run the event similarly this year. No City staffing is necessary. Therefore, there is no expected impact to the City's budget with this event.

## **ATTACHMENTS**

1. Location Map
2. Closure/Course Map
3. Basic Information
4. "Notification of Pending Street Closure" form

5. No Parking sign template